

SUBJ

18. The magnetically-actuated coupler assembly of claim 16 wherein the outer tip of the coupler knuckle contains a lip which extends inward toward the post.

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19. The magnetically-actuated coupler assembly of claim 16 wherein the drawbar includes an extension lip, extending from the drawbar.

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20. The magnetically actuated coupler assembly of claim 16 wherein the coupler knuckle contains a slot, an edge of which interacts with one of the stops of the coupler head to limit the capability of the coupler knuckle to open.

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21. The magnetically-actuated coupler knuckle of claim 17 wherein the cantilever spring and the drawbar are molded together as a unitary piece from engineering plastic.

REMARKS

With the entry of this amendment original patent claim 1 remains cancelled, original patent claims 2-5 remain pending in amended form and new claims 6-21 are presented for examination.

In the pending Office Action, the Examiner has withdrawn the previous allowance of claims 2-9 and rejected them under 35 U.S.C. 251 as being an improper recapture of broadened claimed subject matter surrendered in the application for the patent upon which the present reissue is based.

While the rejection as stated is traversed as lacking in evidence of a clear agreement by the inventor or his attorney with the examiner's stated reason for allowance, independent claims 6 and 9 have been amended to include the requirement for a pair of stops essentially as it was stated in original patent claim 1. Accordingly, claims 2-9 should be allowable over the art and 35 U.S.C. 251.

Claim 6 has further been amended in the last paragraph to substitute "head" for "body" following "coupler" as there is no antecedent reference to a body but there is one to a head.

New claims 10-21 are presented for examination. New claim 10 corresponds generally to claim 6 but deletes the requirement for a leaf spring and adds some further detail to the description of the cantilever spring.. Claims 11-14 are restatements of claims 2-5 while claim 15 corresponds to claim 7. All depend from new claim 10. New claim 16 corresponds to claim 9 but again deletes the requirement for a leaf spring and adds some further detail for the cantilever spring. Claims 17-20 are restatements of claims 2-5 while claim 21 corresponds to

claim 7. All depend from new claim 16.

In responding to the present office action, the undersigned attorney has, for the first time, reviewed the file histories of the subject patent and this reissue application. While I submitted a response in January 2000 to a then pending Office Action, it had been prepared by Mr. Huis, who originally filed and up to that point prosecuted the present reissue application. My review indicates that Mr. Huis and Mr. Cox, the attorney who prosecuted the original patent application, appear to have failed to appreciate that the curving design of the cantilever lever of applicant's invention, which constantly applies a biasing force against the pivoting coupler head, is patentable separately and apart from its use with an integral centering leaf spring at the opposing end of the drawbar. All of the independent claims filed in the original application and thus far in the present reissue application have called for both the leaf spring and the cantilever spring as part of the coupler assembly. This alone is evidence of a failure of the inventor and his previous attorneys to appreciate that the particular type of cantilever spring disclosed might itself support patentability of a magnetically actuated coupler claim. While new claims 10-21 are broader than the original patent claims by virtue of the elimination of the requirement at the leaf spring at the opposite end of the drawbar, they retain the requirement for a pair of stops that was expressly identified by the Examiner in allowing the original claims. However, since the present reissue application was filed less than two years before the issue date of the subject patent and was filed with an indication that broader claims were being sought by the inventor with the assent of the assignee, the new broader claims can be presented and considered.

Support for independent claims 10 and 16 is found in the original patent drawings and particularly in the text at column 2, lines 4-6, column 4, lines 35-50 and column 4, line 62-column 5, line 5, which point out the operation and benefits provided by just the cantilever spring itself. This invention was disclosed in the original application as a separate improvement but overlooked as a separately patentable invention.

The Examiner has further rejected the reissue oath/declaration filed with the original application. Again, the statutory basis of the rejection is traversed. However, the inventor will submit a Supplemental Declaration of the inventor covering all amendments and all errors after an indication of the allowability of the new claims, if that is acceptable to the examiner. Otherwise, the inventor will have to submit a third Declaration/Oath if any further changes are required in the application to obtain allowability. If not acceptable, the examiner is requested to notify the undersigned representative immediately.

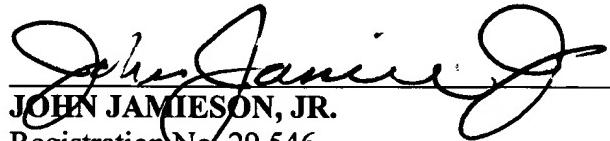
Also accompanying this Amendment is an Information Disclosure Statement together with copies of eleven U.S. Patents which were identified in the original background of the invention portion of the subject patent but apparently not previously submitted and made of record as considered prior art.

Examination and an indication of the allowability of all of the pending claims 2-21 and an acknowledgement of receipt and consideration of the enclosed prior art are respectfully requested

Respectfully submitted,

ROBERT H. STAAT

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(Date)


JOHN JAMIESON, JR.
Registration No. 29,546
AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.
One Commerce Square
2005 Market Street - 22nd Floor
Philadelphia, PA 19103
Telephone: (215) 965-1200
Direct Dial: (215) 965-1310
Facsimile: (215) 965-1210
E-Mail: jjamieson@AKINGUMP.COM